



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Jeffry Weers et al.

Atty Docket No.: 0073.00

Examiner: Gau

Application No. 09/851,226

Group Art Unit: 1615

Filed: 5/8/2001

May 20, 2002

Title: PHOSPHOLIPID-BASED POWDERS
FOR DRUG DELIVERY

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CERTIFICATE OF MAILING

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Signed: Kathy Honnert

INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97 and §1.98

Commissioner for Patents
Washington, DC 20231

Dear Sir:

The references listed in the attached Form PTO/SB/08A,B may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56, 1.97, and 1.98. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

Copies of the references are enclosed, as required under 37 CFR §§1.98. The references on the attached Form PTO/SB/08A,B identified by an asterisk (*) were previously cited by or submitted to the PTO in a prior application relied upon for an earlier filing date. Accordingly, in compliance with 37 CFR §§1.98 (d), copies of these references have not been provided.

06/10/2002 MBERHE 00000050 500348 09851226

01 FC:126 180.00 CH

Attorney Docket No. 0073.00

This Information Disclosure Statement is being timely filed under 37 CFR §§1.97 and is being filed:



within three months of the filing date of a national application; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);



more than three months from the filing date of an application and after the mailing date of a first Office action on the merits, but before the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311 (whichever occurs first), and is accompanied by:



the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00); or



one of the following statements as specified in 37 CFR 1.97(e) that:



each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or



no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement; or



after the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311, but on or before the payment of the issue fee, and is accompanied by each of:



the following petition:

Applicant hereby requests consideration of the accompanying information disclosure statement;



the petition fee set forth in 37 CFR 1.17(i) (\$130.00); and



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no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement.

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Each item of information contained within this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement. Accordingly, this Information Disclosure Statement does not constitute a failure on the part of the Applicant to engage in reasonable efforts to conclude prosecution of the application as set forth in 37 CFR 1.704 "Reduction of period of adjustment of patent term."

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If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-0348.

Respectfully submitted,

INHALE THERAPEUTIC SYSTEMS, INC.

Dated: 5/21/02

By: 

Michael J. Rafa
Reg. No. 38,740

San Carlos, CA 94070
(650) 631-3100



PTO/SB/08A (10-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 9

Complete if Known

Application Number	09/851,226
Filing Date	05/08/2001
First Named Inventor	Jeffrey Weers et al.
Art Unit	1615
Examiner Name	Gau
Attorney Docket Number	0073.00

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	aa	US- 4571334	02/18/1986	Yoshisa et al	
	ab	US- 4765987	08/23/1986	Bonte et al.	
	ac	US- 5032585	07/16/1991	Lichtenberger	
	ad	US- 5262405	11/16/1993	Girod-Vaquez et al.	
	ae	US- 5299566	04/05/1994	Davis et al.	
	af	US- 5451569	09/19/1995	Wong et al.	
	ag	US- 5527521	06/18/1996	Unger et al.	
	ah	US- 5542935	08/06/1996	Unger et al.	
	ai	US- 5569448	10/19/1996	Wong et al.	
	aj	US- 5648095	07/15/1997	Illum et al.	
	ak	US- 5659297	08/12/1997	Bernstein et al.	
	al	US- 5667808	09/16/1997	Johnson et al.	
	am	US- 5698537	12/16/1997	Pruss	
	an	US- 5776496	07/07/1998	Violante et al.	
	ao	US- 5853698	12/29/1998	Straub et al.	
	ap	US- 5853752	05/29/1998	Unger et al.	
	aq	US- 5853763	12/19/1998	Tice et al.	
	ar	US- 5925334	07/20/1999	Rubin et al.	
	as	US- 5955143	09/21/1999	Wheatley	
	at	US- 5985309	11/16/1999	Edwards et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	es	WO 9626746		9/6/1996		
	ET	WO 9808519		3/5/1998		
	EU	WO 9805302		2/12/1998		
	EV	WO 9801161		1/15/1998		
	EW	WO 9744013		11/27/1997		
	EX	WO 9744012		11/27/1997		
	EY	WO 9817257		4/30/1998		
	EZ	WO 9736578		10/9/1997		
	FA	WO 9736574		10/9/1997		
	FB	WO 9735562		10/2/1997		

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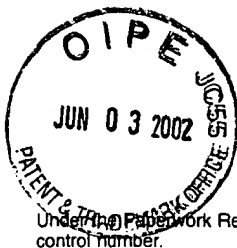
¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 9

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Attorney Docket Number	0073.00

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	au	US-6017310	01/25/2000	Johnson et al.	
	av	US-6051259	04/18/2000	Johnson et al.	
	aw	US-6068600	05/30/2000	Johnson et al.	
	ax	US-6068600	07/11/2000	Johnson et al.	
	ay	US-6113948	09/05/2000	Heath et al.	
	az	US-6129934	10/10/2000	Egan et al.	
	ba	US-6165597	12/26/2000	Tracy et al.	
	bb	US-4397799	08/09/1983	Edgren et al.	
	bc	US-5855913	01/05/1999	Hanes et al.	
	bd	US-5308620	05/03/1994	Yen	
	be	US-5616311	04/01/1997	Yen	
	bf	US-5874064	04/02/1999	Edwards et al.	
	bg	US-5306483	04/04/1994	Mautone	
	bh	US-5690954	04/11/1997	Illum	
	bi	US-5260306	04/11/1993	Boardman et al.	
	bj	US-5707644	04/01/1998	Illum	
	bk	US-5225183	04/07/1993	Purewal	
	bl	US-5145684	04/09/1992	Liversidge et al.	
	bm	US-5658549	04/08/1997	Akehurst et al.	
	bn	US-5605673	02/25/1997	Schutt et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³	Number ⁴ - Kind Code ⁵ (if known)				
	FC	WO	9619968	7/4/1996			
	FD	WO	9619198	6/27/1996			
	FE	WO	9619197	6/27/1996			
	FF	WO	9618388	6/20/1996			
	FG	WO	9615814	5/30/1996			
	FH	WO	96109814	4/4/1996			
	FI	WO	9523613	9/8/1995			
	FJ	WO	9531964	11/30/1995			
	FK	WO	9531182	11/23/1995			
	FL	WO	9527476	10/19/1995			

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 9

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First Named Inventor Jeffry Weers et al.
Art Unit 1615
Examiner Name Gau
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		Number - Kind Code ² (if known)			
	bo	US-5562608	10/07/1996	Sekins et al.	
	bp	US-5770187	06/23/1998	Hasebe et al.	
	bq	US-5766573	06/16/1998	Purewal	
	br	US-5755218	05/26/1998	Johansson et al.	
	bs	US-5744123	04/29/1998	Akehurst et al.	
	bt	US-5742352	04/28/1998	Rubsamen et al.	
	bu	US-5742350	04/28/1998	Gonda et al.	
	bv	US-5741522	04/21/1998	Violante et al.	
	bw	US-5741478	04/21/1998	Osborne et al.	
	bx	US-5506203	04/09/1998	Backstrom et al.	
	by	US-5736124	04/07/1998	Akehurst et al.	
	bz	US-5735263	04/07/1998	Rubsamen et al.	
	ca	US-5725871	03/10/1998	Illum	
	cb	US-5744166	04/28/1998	Illum	
	cc	US-5725841	03/10/1998	Duan et al.	
	cd	US-5724957	03/10/1998	Rubsamen et al.	
	ce	US-5720940	02/24/1998	Purewal et al.	
	cd	US-5718222	02/17/1998	Lloyd et al.	
	ce	US-5718921	02/17/1998	Mathiowitz et al.	
	cf	US-5707352	01/13/1998	Sekins et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³	Number ⁴ - Kind Code ⁵ (if known)				
	FM	WO	9524892	9/21/1995			
	FN	WO	9517195	6/29/1995			
	FO	WO	9515118	6/8/1995			
	FP	WO	9408627	4/28/1994			
	FQ	WO	9314172	7/22/1993			
	FR	WO	9311745	6/24/1993			
	FS	WO	9311744	6/24/1993			
	FT	WO	9214444	9/3/1992			
	FU	WO	9112823	9/5/1991			
	FV	EP	0658101	6/21/1995			

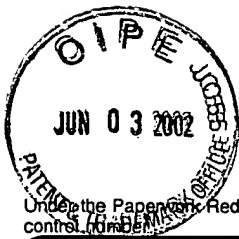
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 4 of 9

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First Named Inventor	Jeffrey Weers et al.
Art Unit	1615
Examiner Name	Gau
Attorney Docket Number	0073.00

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. 1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code 2 (if known)			
	cg	US-5695744	12/09/1997	Neale et al.	
	ce	US-5695743	12/09/1997	Purewal et al.	
	cf	US-5690954	11/25/1997	Illum	
	cg	US-5688782	11/18/1997	Neale et al.	
	ch	US-5683677	11/04/1997	Purewal et al.	
	ci	US-5683676	11/04/1997	Akehurst et al.	
	cj	US-5681545	10/28/1997	Purewal et al.	
	ck	US-5676929	10/14/1997	Akehurst et al.	
	cl	US-5674473	10/07/1997	Purewal et al.	
	cm	US-5674472	10/07/1997	Akehurst et al.	
	cn	US-5674471	10/07/1997	Akehurst et al.	
	co	US-5658549	08/19/1997	Akehurst et al.	
	cp	US-5653962	08/05/1997	Akehurst et al.	
	cq	US-5635161	06/03/1997	Adjei et al.	
	cr	US-5635159	06/03/1997	Fu Lu et al.	
	cs	US-5605674	02/25/1997	Purewal et al.	
	ct	US-5580575	12/03/1996	Unger et al.	
	cu	US-5569450	10/29/1996	Duan et al.	
	cv	US-5518731	05/21/1996	Meadows	
	cw	US-5518709	05/21/1996	Sutton et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. 1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code 3 - Number 4 - Kind Code 5 (if known)				
	FW	EP 0616525	9/27/1995			
	FX	EP 0605578	1/10/1996			
	FY	EP 0588897	2/28/1996			
	FZ	EP 0587790	1/3/1996			
	GA	EP 05562556	8/30/1995			
	GB	EP 0553298	11/17/1994			
	GD	EP 05365235	1/22/1997			
	GD	EP 0536204	4/6/1994			
	GE	EP 0513127	7/17/1995			
	GF	EP 0499344	10/11/1995			

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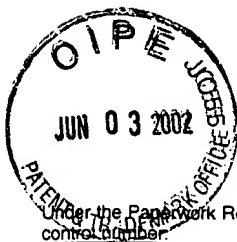
¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known			
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	cx	US-5518998	05/21/1996	Backstrom et al.	
	cy	US-5492688	02/20/1996	Byron et al.	
	cz	US-5490498	02/13/1996	Faithfull et al.	
	da	US-5474759	12/21/1995	Fassberg et al.	
	db	US-5470885	11/28/1995	Fuhrman et al.	
	dc	US-5437272	08/01/1995	Fuhrman	
	dd	US-5376359	12/27/1994	Johnson	
	de	US-5348730	09/20/1994	Greenleaf et al.	
	df	US-5299566	04/05/1994	Davis et al.	
	de	US-5284656	02/08/1994	Platz et al.	
	df	US-5260306	11/09/1993	Boardman et al.	
	dg	US-5230884	07/27/1993	Evans et al.	
	dh	US-5225183	07/06/1993	Purewal et al.	
	di	US-5208226	05/04/1993	Palmer	
	dj	US-5190029	03/02/1993	Byron et al.	
	dk	US-5182097	01/26/1993	Byron et al.	
	dl	US-5173298	12/22/1992	Meadows	
	dm	US-5126123	06/30/1992	Johnson	
	dn	US-5118494	06/02/1992	Schultz et al.	
	do	US-5011678	04/30/1991	Wang et al.	

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		Country Code ³	Number ⁴ - Kind Code ⁵ (if known)			
	GG	EP	0493437	8/2/1995		
	GH	EP	0391896	3/2/1994		
	GI	EP	0372777	1/7/1993		
	GJ	EP	0653205	5/17/1995		
	GK	EP	0656205	6/7/1995		
	GL	EP	0611567	8/24/1994		
	GM	EP	0274431	7/13/1988		
	GN	CA	2136704	5/28/1005		
	GO	EP	0655237	5/13/1995		
	GP	CA	2036844	8/23/1991		

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 6 of 9

Complete if Known

Application Number	09/851,226
Filing Date	05/08/2001
First Named Inventor	Jeffry Weers et al.
Art Unit	1615
Examiner Name	Gau
Attorney Docket Number	0073.00

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	dp	US-4590206	05/20/1986	Forrester et al.	
	dq	US-5653961	08/05/1997	McNally et al.	
	dr	US-5770559	06/23/1998	Manning et al.	
	ds	US-5770222	06/23/1998	Unger et al.	
	dt	US-5747445	05/05/1998	Backstrom et al.	
	du	US-5830853	11/03/1998	Backstrom et al.	
	dv	US-5874063	02/23/1999	Briggner et al.	
	dw	US-5254330	10/19/1993	Ganderton et al.	
	dx	US-5891844	04/06/1999	Hafner	
	dy	US-4904479	04/06/1999	Illum	
	dz	US-5804212	09/08/1998	Illum	
	ea	US-5863554	01/26/1999	Illum	
	eb	US-5756104	05/26/1998	de Haan et al.	
	ec	US-5612053	03/18/1997	Baichwal	
	ed	US-5817293	10/06/1998	Akehurst et al.	
	ee	US-5308620	05/03/1994	Yen	
	ef	US-5616311	04/01/1997	Yen	
	eg	US-5547656	08/20/1996	Unger	
	eh	US-5830430	11/03/1998	Unger et al.	
	ei	US-5814607	09/29/1998	Patton	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ - Kind Code ⁵ (if known)			
	GQ	WO	9833487	8/6/1998		
	GR	WO	9831346	7/23/1998		
	GS	WO	9833480	8/6/1998		
	GT	WO	9830207	7/16/1998		
	GU	WO	9813031	4/2/1998		
	GV	WO	9500128	1/5/1995		
	GW	WO	9619199	6/27/1996		
	GX	WO	9829099	7/9/1998		
	GY	WO	9906026	2/11/1999		
	GZ	WO	9703649	2/6/1997		

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				Application Number	09/851,226
				Filing Date	05/08/2001
				First Named Inventor	Jeffry Weers et al.
				Art Unit	1615
				Examiner Name	Gau
				Attorney Docket Number	0073.00
Sheet	7	of	9		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	ej	US-5855913	01/05/1999	Hanes et al.	
	ek	US-5874064	02/23/1999	Edwards et al.	
	el	US-5856367	01/05/1999	Barrows et al.	
	em	US-5811406	09/22/1998	Szoka et al.	
	en	US-5858784	01/12/1999	Debs et al.	
	eo	US-5820883	10/13/1998	Tice et al.	
	ep	US-3014844	12/26/1961	Thiel et al.	
	eq	US-4818542	04/04/1989	DeLuca et al.	
	er	US-5069936	12/03/1991	Yen	
	ge	US-5989028	4/27/1999	Jensen et al.	
	gf	US-5654007	8/5/1997	Johnson et al.	
	gg	US-5667809	9/16/1997	Trevino et al.	
	gh	US-5770585	6/23/1998	Kaufman et al.	
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		Country Code ³	Number ⁴ - Kind Code ⁵ (if known)			
	HA	WO	9218164	10/29/1992		
	HB	WO	9740819	11/6/1997		
	HC	WO	9111173	8/8/1991		
	HD	WO	9200107	1/9/1992		
	HE	WO	9632149	10/17/1996		
	HF	WO	9640068	12/19/1996		
	FG	WO	9741833	11/13/1997		
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	FI	WO	9829098	7/9/1998		
	FJ	WO	9829140	7/9/1998		

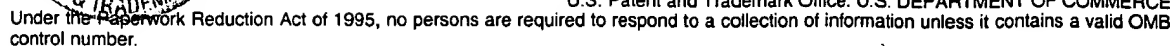
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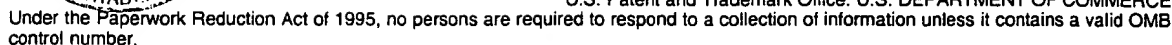
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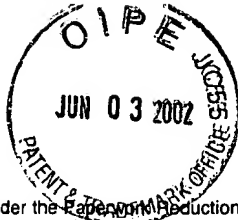
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		Application Number	09/851.226
		Filing Date	05/08/2001
		First Named Inventor	Jeffry Weers et al.
		Group Art Unit	1615
		Examiner Name	Gau
		Attorney Docket Number	0073.00

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	ABDELLAZIZ BEN-JEBRIA ET AL., "Large Porous Particles for Sustained Protection from Carbachol-Induced Brnchoconstriction in Guinea Pigs," Pharm Res. Vol. 16 (No. 4), p. 555-561,	
	2	ZARIF ET AL., "Amphotericin B Cochleates as a Novel Oral Delivery System," Internationl Symposium, p. 964-965,	
	3	HAUSER ET AL., "Interactions of Divalent Cations with Phosphatidylserine Bilayer Membranes," Biochem., p. 34-41,	

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